

# Senate Daily Reader

Wednesday, February 28, 2001

Bills Included				
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# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0240

## SENATE APPROPRIATIONS COMMITTEE ENGROSSED NO. **HB 1068** - 02/27/2001

Introduced by: The Committee on Appropriations at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building Authority and the  
2 Board of Regents to implement the long-term capital project request of the Board of  
3 Regents, providing for the construction, remodeling, or renovation of various structures on  
4 the campuses of the state's universities and to make appropriations therefor.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 Section 1. It is in the public interest that the South Dakota Building Authority contract for  
7 the construction, completion, furnishing, equipping, and maintaining of, including heating, air  
8 conditioning, plumbing, water, sewer, electric facilities, architectural and engineering services,  
9 asbestos abatement, removal of existing roofing and structures, and such other services as may  
10 be required to accomplish the projects enumerated in section 3 of this Act, all at the estimated  
11 cost of seventy-one million seven hundred ninety-one thousand dollars. The South Dakota  
12 Building Authority may finance up to thirty-eight million three hundred forty-one thousand  
13 dollars of the construction costs through the issuance of revenue bonds, in accordance with this  
14 Act and chapter 5-12.

15 Section 2. In addition to those projects approved in section 1 of this Act, the Board of

1 Regents may contract for the construction, completion, furnishing, equipping, and maintaining  
2 of, including heating, air conditioning, plumbing, water, sewer, electric facilities, architectural  
3 and engineering services, asbestos abatement, removal of existing roofing and structures, and  
4 such other services as may be required to accomplish the projects enumerated in section 4 of this  
5 Act, all at the estimated cost of thirty million two hundred seventy thousand dollars.

6 Section 3. The projects authorized in section 1 of this Act, to be financed through the  
7 issuance of revenue bonds by the South Dakota Building Authority, include the following:

- 8 (1) The Cook classroom renovation or replacement space at Black Hills State University  
9 in Spearfish, South Dakota, for an estimated cost of eight million two hundred fifty  
10 thousand dollars provided that, in no event, may the building authority issue bonds for  
11 more than two million five hundred thousand dollars, for the Cook classroom  
12 renovation or replacement space;
- 13 (2) The technology classroom building renovation or replacement space at Dakota State  
14 University in Madison, South Dakota, for an estimated cost of two million five  
15 hundred thousand dollars;
- 16 (3) The library remodeling at the South Dakota School of Mines and Technology in  
17 Rapid City, South Dakota, for an estimated cost of eight hundred eighty-one thousand  
18 dollars;
- 19 (4) The primary electrical distribution system upgrade at the South Dakota School of  
20 Mines and Technology in Rapid City, South Dakota, for an estimated cost of seven  
21 hundred eighty-four thousand dollars;
- 22 (5) The mechanical building air conditioning project at the South Dakota School of Mines  
23 and Technology in Rapid City, South Dakota, for an estimated cost of three hundred  
24 seventy-six thousand dollars;

1       (6)    The Seymour Hall – Technology Center remodeling or replacement space at Northern  
2            State University in Aberdeen, South Dakota, for an estimated cost of three million  
3            five hundred thousand dollars;

4       (7)    The Mewaldt–Jensen Classroom Building renovation at Northern State University in  
5            Aberdeen, South Dakota, for an estimated cost of three million five hundred thousand  
6            dollars;

7       (8)    The Lee Medicine and Science Hall renovation or replacement space at the University  
8            of South Dakota in Vermillion, South Dakota, for an estimated cost of thirty-two  
9            million dollars of which no more than twelve million five hundred thousand dollars  
10          may be financed through the issuance of revenue bonds; and

11      (9)    The Shepard Hall renovation or replacement space at the South Dakota State  
12          University in Brookings, South Dakota, for an estimated cost of twenty million dollars  
13          of which no more than eleven million eight hundred thousand dollars may be financed  
14          for the Shepard Hall renovation or replacement space through the issuance of revenue  
15          bonds;

16      Section 4. The projects authorized in section 2 of this Act include the following:

17      (1)    The Solberg Hall renovation at the South Dakota State University in Brookings,  
18          South Dakota, for an estimated cost of seven million five hundred seventy thousand  
19          dollars which may be undertaken as provided in section 5 of this Act;

20      (2)    The new business school at the University of South Dakota in Vermillion, South  
21          Dakota, for an estimated cost of twelve million eight hundred thousand dollars which  
22          may be funded from federal sources and private donations;

23      (3)    The Old Armory renovation at the University of South Dakota in Vermillion, South  
24          Dakota, for an estimated cost of two million two hundred thousand dollars which may

1 be funded from federal sources and private donations;

2 (4) The Al Neuharth Media Center renovation at the University of South Dakota in  
3 Vermillion, South Dakota, for an estimated cost of four million two hundred thousand  
4 dollars which may be funded from federal sources and private donations; and

5 (5) The Slagle Auditorium renovation at the University of South Dakota in Vermillion,  
6 South Dakota, for an estimated cost of three million five hundred thousand dollars  
7 which may be funded from federal sources and private donations.

8 Section 5. The Board of Regents may lease Solberg Hall, and such portions of its  
9 surrounding grounds as may be needed to conduct renovation activities, to the South Dakota  
10 State University Foundation to permit the foundation to renovate the structure and to donate all  
11 improvements to the State of South Dakota for the use and benefit of South Dakota State  
12 University. The Board of Regents may accept such donation if all improvements are designed  
13 and specified in accordance with the requirements stated in §§ 5-14-11 to 5-14-13, inclusive; if  
14 all plans, specifications, and construction documents are delivered to the Board of Regents in the  
15 formats that the State Engineer requires for the keeping of such records; and if the foundation  
16 secures the approval of a building committee appointed by the Board of Regents for the project  
17 as provided in § 5-14-3 for the initial designs, plans, and specifications, and for any subsequent  
18 modifications of the same that may affect the use, operating costs or long-term maintenance of  
19 the renovated facility.

20 Section 6. There is hereby appropriated to the Board of Regents six hundred fifty-nine  
21 thousand two hundred forty dollars, or so much thereof as may be needed, to construct an  
22 addition to the Donald E. Young Sports and Fitness Center. The monies appropriated by this Act  
23 shall include one hundred fifty thousand dollars from other funds appropriated to Black Hills  
24 State University and five hundred nine thousand two hundred forty dollars from monies available

1 to the South Dakota National Guard.

2 Section 7. There is hereby appropriated from the higher education facilities fund established  
3 in § 13-51-2 the sum of five million seven hundred fifty thousand dollars for the Cook classroom  
4 renovation or replacement space.

5 Section 8. The authorizations granted under section 1 of this Act, and all necessary  
6 appropriations required to finance and to complete such projects, remain effective through  
7 June 30, 2009. However, no bonds may be issued under the authority of this Act if such issuance  
8 would violate the restriction established in § 13-51-2.

9 Section 9. The authorizations granted under section 2 of this Act, and all necessary  
10 appropriations required to finance and to complete such projects, remain effective through  
11 June 30, 2013.

12 Section 10. All cost estimates contained in this Act have been stated in terms of 2001 values.  
13 The Board of Regents may adjust such cost estimates to reflect inflation as measured by the  
14 Building Cost Index reported by the Engineering News Record. The limitations on the amount  
15 of bonded indebtedness stated in section 3 of this Act are not subject to such adjustment.

16 Section 11. No indebtedness, bond, or obligation incurred or created under the authority of  
17 this Act may be or may become a lien, charge, or liability against the State of South Dakota, nor  
18 against the property or funds of the State of South Dakota within the meaning of the  
19 Constitution or statutes of the state.

20 Section 12. The Building Authority and the Board of Regents may accept, transfer, and  
21 expend any funds obtained for these purposes from federal sources, gifts, contributions, or any  
22 other source, all of which shall be deemed appropriated to the project authorized by this Act.

23 Section 13. The administration of the design and construction of the projects authorized in  
24 sections 3 and 4 of this Act shall be under the general charge and supervision of the Bureau of

1 Administration as provided in chapter 5-14, except as otherwise provided in section 5 of this Act.  
2 The executive director of the Board of Regents and the executive secretary of the Building  
3 Authority, or their designees, shall approve vouchers and the state auditor shall draw warrants  
4 to pay expenditures authorized by section 3 of this Act. The executive director of the Board of  
5 Regents, or a designee, shall approve vouchers and the state auditor shall draw warrants to pay  
6 expenditures authorized by section 4 of this Act, except as otherwise provided in section 5 of this  
7 Act.

8 Section 14. The Board of Regents may make and enter into a lease agreement with the  
9 Building Authority and make rental payments under the terms thereof, pursuant to chapter 5-12,  
10 from the higher education facilities fund for the purposes of this Act.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

643E0452

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1106** - 02/26/2001

Introduced by: Representatives Napoli, Brown (Richard), Klaudt, Kooistra, McCoy, Michels, and Olson (Mel) and Senators Hainje, Brown (Arnold), Daugaard, de Hueck, Everist, Koetzle, Staggers, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to revise the classes of investments available for state funds.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 4-5-26 be amended to read as follows:

4 4-5-26. Money made available for investment may be invested in the following classes of  
5 securities and investments and, except as provided by § 3-12-117, chapter 3-13, and the South  
6 Dakota Cement Plant retirement fund, not otherwise:

7 (1) Direct and indirect obligations of the United States government;

8 (2) Agencies and instrumentalities of the United States government;

9 (3) Direct obligations of the State of South Dakota and any of its political subdivisions;

10 (4) Obligations consisting of notes, bonds, debentures, and certificates which are direct  
11 obligations of a solvent corporation or trust existing under the laws of the United  
12 States or any state thereof, ~~provided that~~ if such investments ~~shall be~~ are rated in the  
13 four highest classifications established by at least two standard rating services;

14 (5) Savings accounts, share accounts, certificates of deposit of banks, savings and loan

1 associations, building and loan associations, and bankers' acceptances;

2 (6) In addition to the investments authorized by subdivisions (1) to (5) of this section,  
3 inclusive, the investment council may also allocate a sum certain of state public funds  
4 for investment in the accounts and certificates of South Dakota banks and  
5 associations. This sum shall initially be offered to South Dakota banks and  
6 associations, and if not initially fully subscribed, the investment officer shall  
7 immediately reoffer the unsubscribed sum to other qualified public depositories  
8 defined by subdivision 4-6A-1(7).

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

704E0214

SENATE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **HB 1142** - 02/27/2001

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Representatives Kooistra, Elliott, Garnos, Glenski, Holbeck, Lange, and Olson (Mel) and Senator McIntyre

1 FOR AN ACT ENTITLED, An Act to appropriate money for Statewide E-Learning and to  
2 declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. There is hereby appropriated from the general fund the sum of one million three  
5 hundred fifty-one thousand one hundred twenty dollars (\$1,351,120), or so much thereof as may  
6 be necessary, to the Board of Regents for the Northern State University Center for Statewide  
7 E-Learning.

8 Section 2. The executive director of the Board of Regents shall approve vouchers and the  
9 state auditor shall draw warrants to pay expenditures authorized by this Act.

10 Section 3. Any amounts appropriated in this Act not lawfully expended or obligated by  
11 June 30, 2002, shall revert in accordance with § 4-8-21.

12 Section 4. Whereas, this Act is necessary for the support of the state government and its  
13 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full  
14 force and effect from and after its passage and approval.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

337E0252

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1144** - 02/26/2001

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Representatives Kooistra, Garnos, and McCoy and Senator Staggers

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to child custody.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That chapter 25-5 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 Any person entitled to custody or visitation of a child shall give notice of any proposed  
6 relocation of the residence of the child in writing by certified mail, return receipt requested, to  
7 any party that has custody or visitation rights. Absent exigent circumstances as determined by  
8 a court with jurisdiction, written notice shall be provided at least sixty days before the proposed  
9 relocation. The notice of the proposed relocation shall include the following information: the city  
10 and state to which the relocation is proposed, date of the intended move, reasons for moving,  
11 and a proposed visitation schedule.

12 The residence of the child may be relocated sixty days after providing notice, as required by  
13 this section, unless a party entitled to custody or visitation files a motion seeking an order to  
14 prevent the relocation within thirty days after receipt of such notice. An affidavit setting forth

1 the specific factual basis for prohibiting the relocation shall be attached to the motion. The  
2 person seeking the relocation shall respond to the motion within fourteen days, unless the court  
3 extends the response time for good cause, and provide a counter affidavit setting forth the facts  
4 in support of the relocation and the proposed revised parenting plan for the child.

5 If relocation is permitted, the court may order contact with the nonrelocating party including  
6 custody or visitation and telephone access sufficient to assure that the child has frequent,  
7 continuing, and meaningful contact with the nonrelocating party unless the child's best interest  
8 warrants otherwise. The court may specify how the transportation costs shall be allocated  
9 between the parties and adjust the child support, as appropriate, considering the transportation  
10 costs.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0726

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1208** - 02/15/2001

Introduced by: Representatives Michels, Duniphan, and Sebert and Senators Munson,  
Brosz, Brown (Arnold), and Everist

1 FOR AN ACT ENTITLED, An Act to extend the date for filing claims with the subsequent  
2 injury fund.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 62-4-34.7 be amended to read as follows:

5 62-4-34.7. Administration of the subsequent injury fund by the Division of Insurance and  
6 reimbursement of complete and valid claims shall continue until approved, denied, or settled. ~~Any~~  
7 No claim for reimbursement from the subsequent injury fund shall may be filed by June 30, 1999.  
8 ~~Only those claims timely filed with the division by June 30, 1999, pursuant to the requirements~~  
9 ~~of § 62-4-34.1 in effect prior to July 1, 1999, and completed by October 1, 1999, pursuant to~~  
10 ~~the requirements set forth in § 62-4-34.4 in effect prior to July 1, 1999, shall be eligible for~~  
11 ~~reimbursement from the subsequent injury fund. Any claim timely filed by June 30, 1999, and~~  
12 ~~completed by October 1, 1999, based on a subsequent injury that occurs on or after July 1, 2001.~~  
13 Any claim for reimbursement filed as set forth in this section; shall be approved or denied by the  
14 division pursuant to the requirements of §§ 62-4-34 to 62-4-36.3, inclusive, in effect prior to

1 July 1, 1999. The division shall continue to make any necessary assessments pursuant to the  
2 requirements set forth in § 62-4-35 in effect prior to July 1, 1999, until all eligible claims  
3 completed as set forth in this section that are approved by the division or determined by the court  
4 to be eligible for reimbursement are paid, and until all matters in litigation concerning the  
5 subsequent injury fund are resolved. Any claim in matters being litigated concerning the  
6 subsequent injury fund is not eligible for interest or costs. Any remaining balance in the fund after  
7 all obligations of the fund have been satisfied shall be deposited in the general fund. Priority of  
8 payment shall be determined as of the date and time they are determined by the division to be  
9 complete and valid. No claim against the subsequent injury fund is vested until it is complete as  
10 set forth in this section. Any completed claim regardless of the date of injury or the date of notice  
11 of claim is subject to the two-thirds method of reimbursement pursuant to § 62-4-34 in effect  
12 prior to July 1, 1999.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

654E0754

SENATE COMMERCE COMMITTEE ENGROSSED NO.

**HB 1247** - 02/27/2001

Introduced by: Representatives Lintz, McCoy, Napoli, Pederson (Gordon), Rhoden, and  
Richter and Senators Vitter, Duxbury, Kleven, Putnam, and Reedy

1 FOR AN ACT ENTITLED, An Act to revise the requirements for volunteer firefighters to  
2 become eligible for workers' compensation and to update a reference used to determine  
3 impairment.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 62-1-5.2 be amended to read as follows:

6 62-1-5.2. Any firefighter who ~~has completed the wildland firefighter training course and is~~  
7 a member of any county, municipal, special purpose district, or township fire department which  
8 has on file a cooperative fire suppression agreement with the South Dakota Department of  
9 Agriculture, and has been approved by the governing body for assignment to the state, is eligible  
10 for workers' compensation benefits from the state if injured during a period of time commencing  
11 from the time dispatched by the state forester until the time the firefighter returns to the location  
12 from which the firefighter was originally dispatched by the state forester. In the event of injury  
13 or death, the firefighter shall, for the purpose of computing compensation, be considered to be  
14 earning a wage that would entitle that person to the maximum compensation for death or injury

1 allowable under this title; but in no event may payments to any firefighter exceed the maximum  
2 limitations for benefits as set out in this title.

3 For purposes of determining compensation any remuneration received by a member who  
4 voluntarily serves the department may not be considered.

5 No firefighter under this section may be deemed a state employee for any purpose other than  
6 eligibility to receive workers' compensation from the state under this section.

7 Section 2. That § 62-1-1.2 be amended to read as follows:

8 62-1-1.2. For the purposes of this chapter, impairment shall be determined by a medical  
9 impairment rating, expressed as a percentage to the affected body part, using the Guides to the  
10 Evaluation of Permanent Impairment established by the American Medical Association, ~~fourth~~  
11 fifth edition, ~~June 1993~~ November 2000.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

552E0758

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1250** - 02/26/2001

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Representatives Duenwald, Bradford, Fryslie, Hanson (Gary), Hargens, Holbeck, Jaspers, Jensen, Lintz, Pitts, Rhoden, Sigdestad, and Van Gerpen and Senators Dennert, Diedrich (Elmer), Greenfield, Madden, Putnam, and Symens

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding hunting on private  
2 shooting preserves and along highway rights-of-way.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 41-10-9 be amended to read as follows:

5 41-10-9. Game which may be hunted under this chapter ~~shall be mallard ducks, are~~  
6 pheasants, quail, partridges, and turkey, ~~and such other species of game as the game, fish and~~  
7 ~~parks commission may add. The commission may exclude mallard ducks from the list of~~  
8 ~~permitted species for any period of time and without advance notice provided such action is~~  
9 ~~deemed necessary to protect such species.~~

10 Section 2. That § 41-9-1.1 be amended to read as follows:

11 41-9-1.1. Except for controlled access facilities as defined in § 31-8-1, interstate highways,  
12 unimproved section lines not commonly used as public rights-of-way, and highways within parks  
13 or recreation areas or within or adjoining public shooting areas or game refuges posted for

1 restriction of an applicable use as hereinafter set forth by the Department of Game, Fish and  
2 Parks, § 41-9-1 does not apply to fishing, trapping, or hunting on highways or other public  
3 rights-of-way within this state that meet the requirements of § 41-9-1.3. No person, except the  
4 adjoining landowner or any person receiving written permission from the adjoining landowner,  
5 may use such highways or rights-of-way for the purposes of hunting defined in this title within  
6 six hundred sixty feet of ~~an occupied dwelling~~, a church, schoolhouse, or livestock. No person,  
7 except the adjoining landowner or any person receiving written permission from the adjoining  
8 landowner, may use such highways or rights-of-way for the purpose of trapping within six  
9 hundred sixty feet of an occupied dwelling, church, or schoolhouse. A violation of this section  
10 is a Class 2 misdemeanor. If any person is convicted of knowingly discharging a firearm within  
11 six hundred sixty feet of any occupied dwelling, church, or schoolhouse for which such distance  
12 has been clearly and accurately marked and posted, the court shall, in addition to any other  
13 penalty, revoke the person's hunting privileges for a period of one year from the date of  
14 conviction.

15 Section 3. That chapter 41-9 be amended by adding thereto a NEW SECTION to read as  
16 follows:

17 No person, except the adjoining landowner or any person receiving written permission from  
18 the adjoining landowner, may use the highways or other public rights-of-way within this state  
19 that meet the requirements of § 41-9-1.3 for the purpose of hunting defined in this title within  
20 a restricted area up to one thousand three hundred twenty feet in length immediately adjacent  
21 and lateral to an occupied dwelling if some portion of the restricted area is within six hundred  
22 sixty feet of the occupied dwelling and the restricted area has been clearly and accurately marked  
23 and posted as a restricted area. A violation of this section is a Class 2 misdemeanor. If any  
24 person is convicted of knowingly discharging a firearm within the restricted area that has been

1 clearly and accurately marked and posted as required by this section, the court shall, in addition  
2 to any other penalty, revoke the person's hunting privileges for a period of one year from the date  
3 of conviction.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

582E0592

## SENATE APPROPRIATIONS COMMITTEE ENGROSSED NO. **HB 1252** - 02/27/2001

Introduced by: Representatives Davis, Abdallah, Bartling, Begalka, Bradford, Broderick, Brown (Jarvis), Brown (Richard), Burg, Clark, Derby, Duenwald, Duniphan, Eccarius, Elliott, Frost, Fryslie, Garnos, Glenski, Hansen (Tom), Hanson (Gary), Hargens, Heineman, Hennies (Don), Hennies (Thomas), Holbeck, Hundstad, Hunhoff, Jaspers, Jensen, Juhnke, Konold, Kooistra, Lange, Lintz, Madsen, McCaulley, McCoy, Michels, Monroe, Murschel, Nachtigal, Olson (Mel), Pederson (Gordon), Peterson (Bill), Peterson (Jim), Pitts, Pummel, Richter, Sebert, Sigdestad, Slaughter, Smidt, Solum, Sutton (Duane), Teupel, Valandra, Van Etten, Van Gerpen, Van Norman, and Wick and Senators Brown (Arnold), Albers, Apa, Brosz, Daugaard, de Hueck, Dennert, Diedrich (Larry), Diedrich (Elmer), Drake, Duxbury, Everist, Greenfield, Hutmacher, Kleven, Koetzle, Madden, McCracken, McIntyre, Moore, Munson, Olson (Ed), Putnam, Staggers, Sutton (Dan), Symens, and Vitter

1 FOR AN ACT ENTITLED, An Act to establish a statewide voter registration file and to make  
2 an appropriation therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 12-4 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The secretary of state shall establish a computerized system for maintaining and utilizing the  
7 voter registration file and transmitting voter registration information from each county auditor  
8 to the Office of the Secretary of State. Each county auditor shall furnish the current master

1 registration file of voters as provided in § 12-4-9 in computer format to the secretary of state by  
2 January 1, 2002. Each county auditor shall transmit any changes thereafter to the master  
3 registration file to the secretary of state on a daily basis.

4 Section 2. That chapter 12-4 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The statewide voter registration file maintained by the secretary of state shall be considered  
7 a duplicate file of the official voter registration records held in each county office. If there is any  
8 discrepancy between the statewide voter registration file maintained by the secretary of state and  
9 the master registration file maintained by the county auditor, the master registration file  
10 maintained by the county auditor is the official file.

11 Section 3. That chapter 12-4 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 The secretary of state may promulgate rules pursuant to chapter 1-26 concerning:

- 14 (1) Procedures for the establishing the statewide voter registration file;
- 15 (2) Transmission of the voter registration information from the county to the Office of the  
16 Secretary of State;
- 17 (3) Procedures for determining duplicate voter registration;
- 18 (4) Dissemination of the information from the statewide voter registration file; and
- 19 (5) Establishment of fees for information provided from the statewide voter registration  
20 file.

21 Section 4. That chapter 12-4 be amended by adding thereto a NEW SECTION to read as  
22 follows:

23 The secretary of state may use the statewide voter registration file to identify any duplicate  
24 voter registration within the state. If the secretary of state has determined that there is a duplicate

1 voter registration, the secretary of state shall notify the county whose official master registration  
2 file contains the oldest duplicate registration and such county shall remove the person from the  
3 voter registration file. If the secretary of state has identified a potential duplicate voter  
4 registration, the secretary of state shall notify the person registered in the county whose official  
5 master registration file contains the oldest potential duplicate registration. The secretary of state  
6 shall notify such person in a manner consistent with the provisions of § 12-4-19.1.

7 Section 5. That chapter 9-4 be amended by adding thereto a NEW SECTION to read as  
8 follows:

9 No information obtained from the statewide voter registration file may be used or sold for  
10 any commercial purpose. For the purpose of this section, the term, commercial purpose, does  
11 not include campaign or political polling activities. Any violation of this section is a Class 2  
12 misdemeanor.

13 Section 6. That § 12-4-9 be amended to read as follows:

14 ~~12-4-9. The county auditor shall maintain a list of voters in paper or computer format which~~  
15 ~~shall be properly indexed, so made and arranged as to contain a list of all persons registered,~~  
16 ~~alphabetically arranged according to surnames, residing in each voting precinct within the county.~~  
17 ~~The list shall be kept at the office of the county auditor and properly safeguarded. This list shall~~  
18 ~~be known as the "master registration list," and may not be removed from the office except upon~~  
19 ~~an order of a court of competent jurisdiction. The "master registration list" shall be, at all times~~  
20 ~~during office hours, open to public inspection and safeguard a file of voters in computer format~~  
21 that contains each person registered in each voting precinct within the county. This file shall be  
22 known as the master registration file and shall be, at all times during office hours, open to public  
23 inspection. However, public access to social security numbers and driver license numbers  
24 contained in the master registration file shall be restricted. The master registration file shall

1 contain all information from each voter's registration card except the description of the location  
2 of the voter's residence. The master registration file shall also include the date of the last election  
3 the voter has voted in and when the voter's information was last updated. The master registration  
4 file may also contain additional voter history information.

5       Section 7. There is hereby appropriated from the general fund the sum of two hundred  
6 thousand dollars (\$200,000), or so much thereof as may be necessary, to the secretary of state  
7 for hardware, software, development, and any other costs that may be incurred to establish a  
8 statewide voter registration file.

9       Section 8. The secretary of state shall approve vouchers and the state auditor shall draw  
10 warrants to pay expenditures authorized by this Act.

11       Section 9. Whereas, this Act is necessary for the support of the state government and its  
12 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full  
13 force and effect from and after its passage and approval.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

415E0771

SENATE EDUCATION COMMITTEE ENGROSSED NO.

**HB 1258** - 02/27/2001

**This bill has been extensively amended (houghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Representatives Eccarius, Michels, and Peterson (Bill) and Senators Everist and Brown (Arnold)

1 FOR AN ACT ENTITLED, An Act to revise the distribution of state aid to education.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 13-13-10.1 be amended to read as follows:

4 13-13-10.1. Terms used in this chapter mean:

5 (1) "Average daily membership," the average number of resident and nonresident  
6 kindergarten through twelfth grade pupils enrolled in all schools operated by the  
7 school district during the previous regular school year, minus average number of  
8 pupils for whom the district receives tuition, except pupils described in subdivision  
9 (1A) and pupils for whom tuition is being paid pursuant to § 13-28-42 and plus the  
10 average number of pupils for whom the district pays tuition;

11 (1A) Nonresident students who are in the care and custody of the Department of Social  
12 Services, the Unified Judicial System, the Department of Corrections, or other state  
13 agencies and are attending a public school may be included in the average daily  
14 membership of the receiving district when enrolled in the receiving district. When

counting a student who meets these criteria in its general enrollment average daily membership, the receiving district may begin the enrollment on the first day of attendance. The district of residence prior to the custodial transfer may not include students who meet these criteria in its general enrollment average daily membership after the student ceases to attend school in the resident district;

(2) "Adjusted average daily membership," calculated as follows:

(a) For districts with an average daily membership of two hundred or less and a general fund balance percentage of forty-five percent or less, multiply 1.2 times the average daily membership;

(b) For districts with an average daily membership of less than six hundred, but greater than two hundred and a general fund balance percentage of forty-five percent or less, raise the average daily membership to the 0.8293 power and multiply the result times 2.98;

(c) For districts with an average daily membership of six hundred or more or a general fund balance percentage of more than forty-five percent, multiply 1.0 times their average daily membership;

(2A) "General fund balance percentage," is a school district's ending general fund unreserved fund balance less the additional revenue a school district has received from the imposition of the excess tax levy authorized by § 10-12-43 for the previous school fiscal year divided by the school districts total general fund expenditures for the previous school fiscal year, the quotient expressed as a percent;

(3) "Index factor," is the annual percentage change in the consumer price index for urban wage earners and clerical workers as computed by the Bureau of Labor Statistics of the United States Department of Labor for the year before the year immediately

preceding the year of adjustment or three percent, whichever is less;

(3A) "Enrollment adjustment," is one-half of the negative of the annual percent change in the statewide general enrollment average daily membership for the year before the year immediately preceding the year of adjustment. However, the enrollment adjustment may not be less than zero;

(4) "Per student allocation," for the period January 1, 1997, to June 30, 1997, inclusive, is \$1,675. For school fiscal year 1998, beginning on July 1, 1997, the per student allocation shall be \$3,350 increased by the index factor. Each school fiscal year thereafter, the per student allocation shall be the previous fiscal year's per student allocation increased by the index factor plus the enrollment adjustment;

(5) "Local need," the per student allocation multiplied by the adjusted average daily membership;

(6) "Local effort," the amount of ad valorem taxes generated in a school fiscal year by applying the levies established pursuant to § 10-12-42.

Section 2. That chapter 13-13 be amended by adding thereto a NEW SECTION to read as follows:

The secretary of the Department of Education and Cultural Affairs shall determine the reduction in state aid to education to school districts resulting from school districts having a general fund balance percentage greater than forty-five percent. The secretary of the Department of Education and Cultural Affairs shall distribute the amount of money so determined to school districts with a general fund balance percentage of twenty-five or less on a pro rata basis according to the school district's modified average daily membership where modified average daily membership is equal to the average daily membership for school districts with an average daily membership of six hundred or less and for school districts with an average daily

1 membership of more than six hundred is equal to six hundred plus one-half of the average daily  
2 membership over six hundred.

3 Section 3. The enrollment adjustment shall apply only to the distribution of state aid to  
4 education in fiscal year 2002.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0801

SENATE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **HB 1279** - 02/27/2001

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to provide that the people's interest fund be appropriated  
2 for tobacco prevention and education programs.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 34-46-7 be amended to read as follows:

5 34-46-7. There is hereby created the tobacco prevention and reduction program in the  
6 Department of ~~Human Services~~ Health.

7 Section 2. That § 34-46-9 be amended to read as follows:

8 34-46-9. The ~~Tobacco Prevention and Reduction Advisory Board~~, in collaboration with the  
9 Department of ~~Human Services~~, Health shall develop and approve a state-wide strategic plan to  
10 prevent and reduce tobacco use. The plan shall set forth short term and long term goals,  
11 adequate benchmarks and standards by which measures of program success under § 34-46-10  
12 may be appropriately evaluated. The board shall be responsible for establishing program  
13 priorities, criteria for awarding grants, and assessing overall program performance.

14 Section 3. That § 34-46-11 be amended to read as follows:

1        34-46-11. The ~~Tobacco Prevention and Reduction Advisory Board~~ Department of Health  
2        shall submit an annual report to the Governor and the Legislature. The annual report shall detail  
3        the progress toward meeting program goals and objectives, including reporting on changes in  
4        tobacco consumption, tobacco use rates, and attitudes towards tobacco, especially among  
5        children and other high risk populations.

6        Section 4. That § 34-46-8 be repealed.

7        ~~34-46-8. There is created an eleven member Tobacco Prevention and Reduction Advisory~~  
8        ~~Board. The Governor shall appoint the members to the board. The terms of the initial~~  
9        ~~appointments shall be: four members appointed to a one-year term, four members appointed to~~  
10       ~~a two-year term, and three members appointed to a three-year term. All subsequent appointments~~  
11       ~~shall be for a three-year term. Any member appointed to fill a vacancy other than the natural~~  
12       ~~expiration of a term shall serve for only the unexpired portion of the term. No member of the~~  
13       ~~board may be affiliated with the tobacco industry. The board shall meet at least two times per~~  
14       ~~year.~~

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0732

SENATE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **HB 1285** - 02/27/2001

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Representatives Hansen (Tom), Adelstein, Begalka, Broderick, Brown (Jarvis), Derby, Duenwald, Duniphan, Frost, Fryslie, Heineman, Hennies (Don), Hunhoff, Jaspers, Juhnke, Koistinen, Konold, Murschel, Peterson (Bill), Pitts, Pummel, Slaughter, Smidt, Teupel, Van Gerpen, and Wick and Senators Greenfield, Albers, Bogue, Brown (Arnold), Drake, Everist, McCracken, and Vitter

1 FOR AN ACT ENTITLED, An Act to clarify the purposes for which funds in the South Dakota-  
2 bred racing fund and special racing revolving fund may be used and to make distributions  
3 from the South Dakota-bred racing fund and the special racing revolving fund.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. The Commission on Gaming shall, on or about December 31, 2001, allocate a  
6 total of four hundred fifty thousand dollars or so much thereof as is available, from the special  
7 racing revolving fund or the South Dakota-bred racing fund, in amounts determined by the  
8 commission, to licensees, licensed by the commission to conduct live horse racing under § 42-7-  
9 68 for the purposes of providing compensation to South Dakota bred horses, and for purses  
10 supplements or racing operations for the 2002 live horse racing season, provided, however, that  
11 such licensees are conducting a total of not less than fourteen live horse racing days. Provided  
12 further that no payment provided to such licensee may exceed thirty thousand dollars per day of

1 live horse racing. If either such licensee applies for or receives fewer live horse racing days than  
2 such licensee conducted in 2001, such allocations shall be reduced proportionately.

3 Section 2. On or about July 15, 2001, the state treasurer shall transfer to the general fund one  
4 million one hundred twenty-five thousand dollars (\$1,125,000) from the South Dakota-bred  
5 racing fund and one million one hundred twenty-five thousand (\$1,125,000) from the special  
6 racing revolving fund.

7 Section 3. That § 42-7-71 be amended to read as follows:

8 42-7-71. One-fourth of all money received by the state treasurer under this chapter from  
9 licensees operating horse racing tracks shall be placed in a special revenue fund to be known as  
10 the "South Dakota-bred racing fund." The fund shall be used by the commission to encourage  
11 horse racing and the raising and breeding of horses in South Dakota and shall be used for the  
12 purpose of providing compensation to South Dakota-bred horses by providing funds to all  
13 horsetracks licensed in South Dakota, and for any other purpose provided by the Legislature.

14 However, not more than one-fourth of the moneys deposited in the South Dakota-bred racing  
15 fund may be used by the commission to provide purse supplements to horsetracks for horses  
16 other than South Dakota-bred horses.

17 Section 4. That § 42-7-79.1 be amended to read as follows:

18 42-7-79.1. In addition to the deductions authorized by § 42-7-79, the dog racing licensees  
19 shall deduct from the total sum contributed on dog races, except contributions on dog races in  
20 the win, place and show pool, an additional three and three-quarters percent on the dollars  
21 contributed. The licensee ~~will~~ may retain one-quarter of one percent for capital improvements  
22 on all amounts contributed and an additional three and one-half percent shall be retained by the  
23 licensee for discretionary use. The special racing revolving fund shall be in the office of the state  
24 treasurer to be disbursed by the commission to increase purses or for operations, or upon

1 request, funds may be granted to a political subdivision of the state for unusual or unique law  
2 enforcement expenses incidental to having a race track or off-track site in that political  
3 subdivision, and for any other purpose provided for by the Legislature. Funds in the South  
4 Dakota-bred racing fund and the special racing revolving fund shall be disbursed by the  
5 commission on warrants drawn by the state auditor on vouchers approved by the commission  
6 and such funds shall be disbursed without authority of appropriation acts.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0346

## HOUSE ENGROSSED NO. **SB 57** - 02/26/2001

Introduced by: The Committee on State Affairs at the request of the Department of Health

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to anatomical gifts.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 34-26-23.1 be amended to read as follows:

4 34-26-23.1. If a document of gift is attached to or imprinted on a donor's motor vehicle

5 ~~operator's~~ driver license or nondriver identification card, the document of gift shall comply with

6 § 34-26-23. If a person is less than eighteen years of age, a document of gift may only be

7 attached to or imprinted on a donor's motor vehicle ~~operator's~~ driver license or nondriver

8 identification card if a parent or guardian of the person consents. Revocation, suspension,

9 expiration, or cancellation of the license does not invalidate the anatomical gift.

10 Section 2. That § 34-26-23.2 be amended to read as follows:

11 34-26-23.2. Any state or local law enforcement agency, officer, or personnel, that ~~may have~~

12 has access to a decedent's motor vehicle ~~operator's~~ driver license or nondriver identification card,

13 or the information thereon, shall inform, upon request, the decedent's attending physician or

14 nurse, next of kin, the coroner, or any other person having lawful custody of the decedent's body,

15 ~~of any intention of the decedent~~ the decedent's intention, as indicated on the decedent's motor

1 vehicle operator's driver license or nondriver identification card, to make an anatomical gift  
2 pursuant to § 34-26-23 or 34-26-23.1. Any state or local law enforcement agency, officer, or  
3 personnel shall also inform, upon request, any procurement agency for anatomical gifts, including  
4 organs, tissues, and eyes, of such intention of the decedent.

5 Section 3. That chapter 34-26 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 An anatomical gift of any part of the body under § 34-26-21 made pursuant to §§ 34-26-22  
8 to 34-26-23.1, inclusive, is irrevocable by any person other than the donor as provided in section  
9 4 of this Act. An anatomical gift does not require the consent or concurrence of any person after  
10 the donor's death.

11 Section 4. That chapter 34-26 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 A donor may amend or revoke an anatomical gift only by:

- 14 (1) Removing the designation from the donor's driver license or nondriver identification  
15 card;
- 16 (2) An oral statement made by the donor to two persons in the presence of each other or  
17 to an attorney or attorney-in-fact indicating the donor's intent to revoke the gift;
- 18 (3) Any form of communication made by the donor during a terminal illness or injury  
19 addressed to a physician or surgeon; or
- 20 (4) A signed card or document found on the donor's person or in the donor's effects.

21 Section 5. That chapter 34-26 be amended by adding thereto a NEW SECTION to read as  
22 follows:

23 The Department of Commerce and Regulation, with the advice of the Department of Health,  
24 shall provide each person renewing or applying for a driver license or nondriver identification

- 1 card an opportunity to review information about organ donation, such as information available
- 2 from the organ procurement organization designated by the federal government for this state.
- 3 The person shall affirm on the application that the person has reviewed the information.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

634E0382

## HOUSE COMMERCE COMMITTEE ENGROSSED NO. **SB 87** - 02/22/2001

Introduced by: Senators Diedtrich (Elmer), Moore, and Whiting and Representatives  
Solum, Davis, McCoy, Slaughter, and Van Etten

1 FOR AN ACT ENTITLED, An Act to provide for uniform prescription drug information cards.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. Any health benefit plan that provides coverage for prescription drugs or devices  
4 on an outpatient basis, or administers such a plan, including third-party administrators for self-  
5 insured plans and state-administered plans, shall issue to its primary insured a card or other  
6 technology containing uniform prescription drug information. The director of the Division of  
7 Insurance shall prescribe the format and elements of information for the uniform prescription  
8 drug information card or technology and shall consider the format and elements of information  
9 approved by the National Council for Prescription Drug Programs (NCPDP) and the required  
10 and conditional or situational fields and the most recent pharmacy identification card or  
11 technology implementation guide produced by NCPDP. A health benefit plan is not required to  
12 issue a pharmacy identification card separate from another identification card issued to an insured  
13 under the health benefit plan if the identification card contains the elements of information  
14 required by the Division of Insurance.

1       Section 2. A health benefit plan shall issue a card or other technology required by section 1  
2       of this Act upon enrollment. The card or technology shall be reissued upon any change in the  
3       insured's coverage that impacts data contained on the card or upon any change in the format  
4       adopted by the director of the Division of Insurance. However, the health benefit plan is not  
5       required to issue a new card or technology more often than once each calendar year. Newly  
6       issued cards or technology shall be updated with the latest coverage information and the director  
7       of the Division of Insurance shall consider the NCPDP standards then in effect and the  
8       implementation guide then in use.

9       Section 3. As used in this Act, the term, health benefit plan, means an accident and health  
10      insurance policy or certificate; a nonprofit hospital or medical service corporation contract; a  
11      health maintenance organization subscriber contract; a plan provided by a multiple employer  
12      welfare arrangement; or a plan provided by another benefit arrangement, to the extent permitted  
13      by the Employee Retirement Income Security Act of 1974, as amended to January 1, 2001, or  
14      by any waiver of or other exception to that Act provided under federal law or regulation. The  
15      term does not apply to any plan, policy, or contract that provides coverage only for:

- 16      (1)    Accident;
- 17      (2)    Credit;
- 18      (3)    Disability income;
- 19      (4)    Specified disease;
- 20      (5)    Dental;
- 21      (6)    Vision;
- 22      (7)    Coverage issued as a supplement to liability insurance;
- 23      (8)    Medical payments under automobile or homeowners;
- 24      (9)    Insurance under which benefits are payable with or without regard to fault and that

1 is statutorily required to be contained in any liability policy or equivalent self-  
2 insurance;

3 (10) Hospital income or indemnity;

4 (11) Long-term care; and

5 (12) Medicare supplement.

6 Section 4. This Act applies to health benefit plans that are delivered, issued for delivery, or  
7 renewed on and after July 1, 2002. For purposes of this Act, renewal of a health benefit policy,  
8 contract, or plan is presumed to occur on each anniversary of the date on which coverage was  
9 first effective on the person or persons covered by the health benefit plan.

10 Section 5. The director of insurance shall enforce the provisions of this Act. The director of  
11 insurance may promulgate rules pursuant to chapter 1-26 to establish the format and elements  
12 of information for the uniform information card or technology to be used in the state following  
13 the standards established in sections 1 and 2 of this Act.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

229E0022

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 92** - 02/23/2001

Introduced by: Senators Ham, Albers, Bogue, Daugaard, Dennert, Everist, Kleven, Madden, Reedy, Staggers, Sutton (Dan), Symens, Vitter, and Volesky and Representatives Hennies (Thomas), Adelstein, Bartling, Begalka, Brown (Richard), Burg, Clark, Davis, Derby, Duenwald, Duniphan, Frost, Garnos, Hanson (Gary), Hennies (Don), Holbeck, Hunhoff, Jaspers, Jensen, Kloucek, Koistinen, Konold, McCoy, Rhoden, Slaughter, and Wick

1 FOR AN ACT ENTITLED, An Act to provide for the care of certain abandoned children and  
2 for the termination of parental rights.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. An emergency medical services provider or licensed child placement agency shall  
5 take possession of a child who appears to be sixty days of age or younger if the child is  
6 voluntarily delivered to the provider or agency by the child's parent and the parent does not  
7 express an intent to return for the child. Any provider or agency who takes possession of a child  
8 pursuant to this section shall perform any act necessary to protect the physical health and safety  
9 of the child.

10 Section 2. It is not a crime for a parent to deliver a child to an emergency medical services  
11 provider or a licensed child placement agency if the child has not been harmed prior to being left  
12 with the emergency medical services provider or a licensed child placement agency.

1       Section 3. If a parent of a child relinquishes custody of the child to an emergency medical  
2       services provider or a licensed child placement agency as provided in section 1 of this Act, then,  
3       after fourteen days, by operation of law:

4       (1)    All of that parent's rights with respect to the child are terminated; and

5       (2)    The child becomes a ward of the state or licensed child placement agency.

6       Section 4. Any emergency medical services provider or licensed child placement agency that  
7       accepts custody of a child pursuant to section 1 of this Act may ask the child's parent for  
8       pertinent medical information relating to the child's medical history. However, the parent leaving  
9       the child is not required to provide any information, including the name of the parents.

10      Section 5. Any emergency medical services provider or licensed child placement agency that  
11      accepts physical custody of a child pursuant to section 1 of this Act is immune from civil,  
12      criminal, and administrative liability for any act of commission or omission in connection with  
13      the acceptance of that custody or the provision of care for the child while the child is in the  
14      provider's or agency's custody.

15      Section 6. The emergency medical services provider or a licensed child placement agency  
16      shall immediately notify the Department of Social Services that the provider or agency has taken  
17      possession of the child. The department or licensed child placement agency shall assume the care,  
18      custody, and control of the child immediately upon receipt of the notice. However, a licensed  
19      child placement agency that has taken possession of a child may assume the care, custody, and  
20      control of the child. The department or licensed child placement agency may not attempt to  
21      identify, contact, or investigate the parent who voluntarily delivered the child to an emergency  
22      medical services provider a licensed child placement agency unless it appears the child has been  
23      harmed.

24      Section 7. If one parent of a child relinquishes custody of the child to an emergency medical

1 services provider or a licensed child placement agency as provided in section 1 of this Act, the  
2 other parent may file an action for custody of the child. The nonrelinquishing parent shall file  
3 such an action within thirty days after the provider or agency accepts custody of the child from  
4 the relinquishing parent. In such an action, the nonrelinquishing parent shall prove the following  
5 by a preponderance of the evidence:

6 (1) He or she is the parent of the child; and

7 (2) He or she did not consent to relinquishment of the child's custody to the provider or  
8 agency.

9 Section 8. For the purposes of this Act, an emergency medical services provider is a licensed  
10 health care facility or a clinic, any agent of a licensed health care facility or a clinic, a law  
11 enforcement officer, an emergency medical technician, or a firefighter.

12 Section 9. Sixty days after the emergency medical services provider or licensed child  
13 placement agency takes possession of the child a hearing shall be held in circuit court to  
14 terminate parental rights. Due regard in the administration of this Act shall be afforded to the  
15 Indian Child Welfare Act (25 U.S.C. Secs. 1901-1963) if that Act is applicable.

# State of South Dakota

## SEVENTY-SIXTH SESSION LEGISLATIVE ASSEMBLY, 2001

273E0566

### HOUSE ENGROSSED NO. **SB 149** - 02/21/2001

Introduced by: Senators Kleven, Albers, Bogue, Drake, and Vitter and Representatives Napoli, Brown (Jarvis), Derby, Hennies (Thomas), Klaudt, McCoy, Pederson (Gordon), Pummel, and Van Etten

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the housing of  
2 prisoners from other jurisdictions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 24-11-3 be amended to read as follows:

5 24-11-3. If there is no jail or juvenile detention facility in the county, or if the jail or juvenile  
6 detention facility in the county is crowded, unsafe, or otherwise insufficient to conform to the  
7 requirements of this chapter, every judicial or executive officer of the county who has the power  
8 to order, sentence, or deliver any person to the county jail or juvenile detention facility may  
9 order, sentence, or deliver such person to the jail or juvenile detention facility of any near or  
10 adjoining state, Indian reservation, county, organized township, or municipality. The county from  
11 which the prisoner was committed shall pay to the agency housing the prisoner all expenses of  
12 keeping and maintaining the prisoner in the jail or juvenile detention facility, including the cost  
13 of building depreciation, administration, and a reasonable charge for obsolescence of the facility  
14 and all other tangible and intangible costs, ~~to the county~~.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

381E0694

## HOUSE TAXATION COMMITTEE ENGROSSED NO. **SB 175** - 02/20/2001

Introduced by: Senators Symens, Dennert, Diedrich (Larry), and Duxbury and  
Representatives Jaspers, Burg, Hanson (Gary), Juhnke, Lange, and  
Nachtigal

1 FOR AN ACT ENTITLED, An Act to exempt from sales and use tax certain contract services  
2 provided to agricultural producers by an agent of a parent company through a local  
3 contracting entity.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 10-45 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 There are specifically exempted from the provisions of this chapter and from the computation  
8 of the tax imposed by it, the gross receipts from the sale of services rendered by a parent  
9 company to a local cooperative, if the local cooperative is a local contracting entity, for the  
10 purpose of paying for the services of an agent who meets with agricultural producers promoting,  
11 educating, and providing technical assistance and information on the parent company's products  
12 which are sold through a local contracting entity.

13 Section 2. That chapter 10-46 be amended by adding thereto a NEW SECTION to read as  
14 follows:

1        There are specifically exempted from the provisions of this chapter and from the computation  
2        of the tax imposed by it, the gross receipts from the sale of services rendered by a parent  
3        company to a local cooperative, if the local cooperative is a local contracting entity, for the  
4        purpose of paying for the services of an agent who meets with agricultural producers promoting,  
5        educating, and providing technical assistance and information on the parent company's products  
6        which are sold through a local contracting entity.

# State of South Dakota

## SEVENTY-SIXTH SESSION LEGISLATIVE ASSEMBLY, 2001

708E0621

### HOUSE ENGROSSED NO. **SB 209** - 02/22/2001

Introduced by: Senators Olson (Ed), Diedrich (Elmer), and Sutton (Dan) and  
Representatives Brown (Richard), Derby, Flowers, Jaspers, and Sebert

1 FOR AN ACT ENTITLED, An Act to permit certain businesses to remit sales and use tax after  
2 the machinery is under production.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-45-27 be amended to read as follows:

5 10-45-27. Any person who is the holder of a sales tax permit or is a retailer whose receipts  
6 are subject to sales tax in this state during the periods specified by this section shall make a return  
7 and remittance to the Department of Revenue on forms prescribed and furnished by the  
8 department in the following manner:

9 (1) Any person whose tax liability is one thousand dollars or more annually, shall file the  
10 return and remit the tax on or before the twentieth day of the month following each  
11 monthly period;

12 (2) Any person whose tax liability is less than one thousand dollars annually, shall file the  
13 return and remit the tax on or before the last day of the month following each  
14 two-month period;

15 (3) Any person whose tax liability is one thousand dollars or more annually and who

1           remits the tax by electronic transfer to the state, shall file the return by electronic  
2           means on or before the twenty-third day of the month following each monthly period  
3           and remit the tax on or before the second to the last day of the month following each  
4           monthly period.

5           The secretary of revenue may grant an extension of not more than five days for filing a return  
6           and remittance. However, the secretary of revenue may grant an extension for remitting the tax  
7           to a qualified business as provided in sections 2 to 10, inclusive, of this Act for six months.

8           Unless an extension is granted, penalty or interest under § 10-59-6 shall be paid if a return  
9           or remittance is not made on time.

10          Section 2. Terms used in this Act mean:

- 11          (1)    "Department," the Department of Revenue;
- 12          (2)    "Business," a business that has purchased and is installing tangible personal property  
13                  in the form of equipment or machinery for direct use in an electrical generation,  
14                  electrical transmission, digital television broadcast, manufacturing, fabricating, or  
15                  processing business, which is subject to sales or use tax pursuant to chapter 10-45 or  
16                  10-46;
- 17          (3)    "Project," the purchase and installation of equipment or machinery;
- 18          (4)    "Project cost," the amount paid in money for a project;
- 19          (5)    "Secretary," the secretary of the Department of Revenue.

20          Section 3. Any electrical generation, electrical transmission, digital television broadcast,  
21          manufacturing, fabricating, or processing business may apply for and obtain an extension for  
22          remitting the sales and use tax imposed and due under the provisions of chapter 10-45 or 10-46  
23          for equipment or machinery that will be for direct use in an electrical generation, electrical  
24          transmission, digital television broadcast, manufacturing, fabricating, or processing business. The

1 extension shall end after six months.

2 Section 4. The extension pertains only to equipment and machinery purchased and installed  
3 after July 1, 2001. No extension may be made unless:

4 (1) The project cost exceeds twenty thousand dollars; and

5 (2) The business applying for the extension obtains a permit from the secretary as set  
6 forth in section 6 of this Act.

7 Section 5. The amount of the tax extension shall apply to one hundred percent of the  
8 equipment and machinery costs and installation fees.

9 Section 6. Any business desiring an extension pursuant to this Act shall apply for a permit  
10 from the secretary at least thirty days prior to commencement of the project. The application for  
11 a permit shall be submitted on a form prescribed by the secretary. A separate application shall  
12 be made and submitted for each project. Upon approval of the application, the secretary shall  
13 issue a permit entitling the applicant to an extension as provided by this Act. The permit or  
14 extension is not assignable or transferable.

15 Section 7. Any extension shall be submitted on forms prescribed by the secretary and shall  
16 be supported by such documentation as the secretary may require. The secretary may deny any  
17 extension where the business has failed to provide information or documentation requested or  
18 considered necessary by the secretary to determine the validity of the extension.

19 Section 8. If any extension has been fraudulently presented or supported as to any item in the  
20 claim, or if the business fails to meet all the conditions of this Act, then the business may be  
21 rejected in its entirety and any tax due from the business shall constitute a debt to the state and  
22 a lien in favor of the state upon all property and rights to property whether real or personal  
23 belonging to the business and may be recovered in an action of debt.

24 Section 9. Any business aggrieved by the denial in whole or in part of a extension requested

1 under this Act, may within thirty days after service of the notice of a denial by the secretary,  
2 demand and is entitled to a hearing, upon notice, before the secretary. The hearing shall be  
3 conducted pursuant to chapter 1-26.

4 Section 10. The secretary may promulgate rules, pursuant to chapter 1-26, concerning the  
5 procedures for filing extensions and the requirements necessary to qualify for an extension.